

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JULY 9, 2002

PRESENT:

Pete Sferrazza, Chairman
Joanne Bond, Vice Chairman
Jim Galloway, Commissioner
Jim Shaw, Commissioner
Ted Short, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy Clerk
Michelle Poché, Assistant County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

A moment of silence was observed in honor of Mary Hansen, a former Park Commissioner and a community activist who worked very hard for the Sun Valley community.

02-717 AGENDA

Barbara Hunt, District Health Officer, advised the District Health Department would like to withdraw Agenda Item No. 9, consideration of two advisory ballot questions concerning secondhand smoke. She stated they have learned that the Health Board has the authority to have these questions placed on the ballot and County Commission approval is not required.

Peter Krueger, representing the Nevada Petroleum Marketers and Convenience Store Association, Garth Elliott, a Washoe County citizen, and Sam McMullen, representing the Retail Association of Nevada, spoke in support of removing this item from the agenda and placing the questions on the ballot.

Stephanie and Haley Glantz, young students, urged the Board to protect children from secondhand smoke.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Sferrazza ordered that Item 9, ballot questions concerning secondhand smoke, be deleted from the agenda.

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the agenda for the July 9, 2002, meeting be approved with the following amendments. Remove the following items from the Consent agenda for discussion: 6.J.6, the Central Truckee Meadows Remediation District, 6.K.1, Agreement with Kleinfelder, Inc., concerning the Regional Dispatch and Emergency Operations Center, and 6.L, declaring certain parcels as surplus and authorizing disposition of same.

PUBLIC COMMENTS

There was no response to the call for public comments.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Bond requested a report or workshop on the community plans currently being developed, especially those in areas that have specific plans. She also reported on a phone call she received from a Mr. Betten requesting a fee waiver on an administrative permit and asked staff to place this item on an agenda as soon as possible.

Commissioner Galloway requested an update on the unincorporated town bill draft that is being sponsored by Chairman Bache of the Government Affairs Committee.

Chairman Sferrazza stated he has received several requests from the Galena area asking that an item concerning their wells be placed on a future agenda.

02-718 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 53 sexual assault victims in an amount totaling \$9,892.49 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated June 24, 2002 and placed on file with the Clerk.

02-719 APPOINTMENTS - GALENA-STEAMBOAT CITIZEN ADVISORY BOARD

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that Brooke Houghton be appointed as an at-large representative and Paul Grace be appointed as the Galena

Forest/Southwest Pine representative on the Galena-Steamboat Citizen Advisory Board with terms from July 1, 2002 to June 30, 2004.

**02-720 APPOINTMENTS - SOUTHEAST TRUCKEE MEADOWS
CITIZEN ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the resignation of Jim Pilzner, a Hidden Valley Homeowners Association representative on the Southeast Truckee Meadows Citizen Advisory Board (CAB), be accepted and that Tom Judy be appointed to fill that vacant position with a term to expire June 30, 2003. It was further ordered that Joel Winitz be appointed to the CAB as a Virginia Foothills representative with a term from July 1, 2002 to June 30, 2004.

**02-721 APPOINTMENTS - SOUTHWEST TRUCKEE MEADOWS
CITIZEN ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that Joe Bachman be appointed to the Southwest Truckee Meadows Citizen Advisory Board as a Zolezzi/Spring Valley/Westridge representative and Elaine Steiner be appointed as the South Hills representative, both with terms from July 1, 2002 to June 30, 2004.

**02-722 APPOINTMENTS - SPANISH SPRINGS CITIZEN ADVISORY
BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that Lois Avery, Gloria Barrere, Vallea Rose, and John Bradbury be appointed as at-large representatives on the Spanish Springs Citizen Advisory Board with terms from July 1, 2002 to June 30, 2004.

**02-723 APPOINTMENTS - WARM SPRINGS CITIZEN ADVISORY
BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the resignation of Jerry Kocimski as an at-large representative on the Warm Springs Citizen Advisory Board (CAB) be accepted and Bob White be appointed to fill the vacancy with the term to expire June 30, 2003. It was further ordered that Philip Anderson and Gregory Landrus be appointed as at-large representatives on the CAB with terms from July 1, 2002 to June 30, 2004.

**02-724 EXPENDITURE APPROVAL - REFRESHMENTS FOR CAB
WORKSHOPS - FY 2002-03 - COMMUNITY DEVELOPMENT**

Upon recommendation of Leslie Roylance, CAB Program Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the expenditure of \$1,600 for the provision of refreshments for participants in training workshops for Washoe County Citizen Advisory Boards (CAB) during FY 2002-03 be approved.

**02-725 REVISE FINANCIAL REPORTING POLICY - INCREASE
MINIMUM CAPITALIZATION THRESHOLD -
INFRASTRUCTURE ASSETS - COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that a change in the reporting policy for infrastructure assets, by increasing the minimum capitalization threshold from \$10,000 to \$100,000, effective retroactive to July 1, 2001, be approved. It was noted this change meets the provisions for establishing financial reporting policies set forth in Section 15.120 of the Washoe County Code and would have no impact on recording assets for inventory and insurance purposes.

**02-726 DISTRICT HEALTH DEPARTMENT - PURCHASE ORDER -
RENO RADIOLOGICAL ASSOCIATES**

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that Purchase Requisition #161431 for FY 02/03 to Reno Radiological Associates, Chartered, in the amount of \$25,000 on behalf of the Community & Clinical Health Services Division of the District Health Department be approved.

02-727 TRAVEL FOR E911 ADVISORY COMMITTEE MEMBERS

Upon recommendation of Jim Johns, Vice Chairman, E-911 Advisory Committee, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that approval be granted for three members of the E911 Advisory Committee to attend the 68th Annual APCO (American Public Safety Communication Officials) International Conference in Nashville, Tennessee, August 11-15, 2002. It was noted that individuals attending on behalf of the E911 Advisory Committee may not be Washoe County employees, and this travel was approved at the E911 Committee meeting of June 12, 2002.

02-728 **ACCEPTANCE OF DONATION - COPE AND MCPHETRES
MARINE - SHERIFF**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the donation by Cope and McPhetres Marine of a Ritchie B-81 Bracket Mount Compass valued at \$109.95 for the Incline Substation Patrol Boat be accepted with the Board's gratitude.

02-729 **ACCEPTANCE OF DONATION - SHERIFF'S AIR SQUADRON**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the donation by the Sheriff's Air Squadron (a non-profit 501© corporation) of one aircraft radio (Make: ICOM, Model: IC-A110, Serial No. 05530) valued at \$900.00 to be used for Search and Rescue missions be accepted with the Board's gratitude.

02-730 **STREET NAME CHANGE - WHITE LAKE PARKWAY TO
VILLAGE PARKWAY**

Upon recommendation of Stephen Weber, Street Naming Coordinator, Regional Street Naming Committee, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the request to change the name of a portion of White Lake Parkway, located in Cold Springs, to Village Parkway be approved effective immediately. It was noted the portion to be renamed is from the northern Cold Springs exit at US 395 North to the newly constructed intersection of White Lake Parkway and Village Parkway.

02-731 **EASEMENT - JAMES G. AND JEAN M. STEWART - PUBLIC
WORKS**

Upon recommendation of James Gale, Sr. Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a Grant of Easement to James G. and Jean M. Stewart, granting access to the Stewarts' landlocked parcels, be approved and Chairman Sferrazza be authorized to execute the same.

02-732 **SUPERVISOR CONTROL AND DATA ACQUISITION (SCADA)
SYSTEM - UPGRADE - WATER RESOURCES**

Upon recommendation of John Collins and Jess Coffman, Utility Division, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that Sierra Control Systems Inc. be authorized to upgrade the Supervisory Control and Data Acquisition (SCADA) Control System, in accordance with

their May 16, 2002 quote in the amount of \$78,470; and that the Information Technology Department be authorized to acquire and install the integrated hardware components, estimated at \$28,739.

02-733 GERLACH GENERAL IMPROVEMENT DISTRICT - WATER AND SEWER FACILITIES - OPERATION AND MAINTENANCE SERVICES - UTILITY DIVISION

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that staff be directed to prepare a proposal to provide operation and maintenance services to the Gerlach General Improvement District for their water and sewer facilities.

02-734 REIMBURSEMENT TO SPPCO AND TMWA - 2001/02 OPERATION AND MAINTENANCE COSTS FOR PCE TREATMENT FACILITIES - REMEDIATION DISTRICT

Upon recommendation of Jeanne Ruefer and Jim Ford, Water Resources, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that reimbursement to Sierra Pacific Power Company (SPPCo), in the amount of \$121,647.33, for operation and maintenance of PCE treatment facilities for January - May 2001, and to the Truckee Meadows Water Authority (TMWA), in the amount of \$136,488.78, for operation and maintenance of PCE treatment facilities for October - December, 2001, be approved.

02-735 FY02 CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT FEE ERROR REIMBURSEMENT - WATER RESOURCES

Upon recommendation of Jeanne Ruefer and Jim Ford, Water Resources, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that refunds to the Central Truckee Meadows Remediation District (CTMRD) property owners for errors charged in FY02 be approved. It was noted the total reductions equal \$6,973.20

02-736 PILOT TOILET RETROFIT REBATE PROGRAM - WATER RESOURCES

Upon recommendation of the Regional Water Planning Commission, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that modifications to the scope of work contained in the agreement with Volt Viewtech for continuation of the Pilot Toilet Retrofit Rebate

Program, be approved and Chairman Sferrazza be authorized to execute a no-cost contract amendment.

02-737 AGREEMENT - BARKER COLEMAN CONSTRUCTION, EAGLE CANYON DEVELOPMENT, REGIONAL TRANSPORTATION COMMISSION - WEST CALLE DE LA PLATA - PUBLIC WORKS

Upon recommendation of Clara Lawson, Engineering, through Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Capital Contribution Front Ending Agreement (CCFEA) between Washoe County and Barker Coleman Construction and Eagle Canyon Development (developers of record) and the Regional Transportation Commission, concerning design, construction and dedication of West Calle De La Plata, be approved and Chairman Sferrazza be authorized to execute the same.

02-738 AGREEMENT - EXECPRO SERVICES - SECURITY - SHERIFF

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Security Services Agreement between Washoe County (the Sheriff's Office) and Execpro Services, Inc., concerning provision of security services on July 4, 2002 from 4:00 p.m. to 12:00 p.m., be approved and Chairman Sferrazza be authorized to execute the same.

02-739 INTERLOCAL CONTRACT - CARSON CITY SHERIFF - MARINE PATROL BOAT SERVICES - SHERIFF

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Interlocal Contract for Marine Patrol Boat Services between Washoe County (Sheriff's Office) and Carson City (Sheriff's Office), concerning the provision of law enforcement services on the waters of Lake Tahoe for a three-year period for the boating seasons of 2002 through 2004, be approved and Chairman Sferrazza be authorized to execute the same.

02-740 SETTLEMENT AGREEMENT - ST. JAMES VILLAGE - WATER AND SITE DEED - EASEMENT DEED - WATER RESOURCES

Upon recommendation of Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken concerning the negotiated settlement of disputes with St. James Village, Inc., regarding payment of temporary connection fees and the subsequent development of the required water system:

1. The Settlement Agreement between Washoe County and St. James Village, Inc. be approved and Chairman Sferrazza be authorized to execute the same.

2. Staff be directed to prepare and process the prescribed payments and make the necessary journal entries to implement the Agreement.

3. Chairman Sferrazza be authorized to execute the land and easement deeds and the Manager of the Utility Services Division be directed to record the same with the County Recorder.

4. Staff be directed to proceed with the design and the Request for Proposals (RFP) for construction of the water tank.

02-741 GRANT OF EASEMENT - CITY OF SPARKS - SEWER AND EFFLUENT LINES - SKY RANCH PARK & LAZY 5 REGIONAL PARK

Upon recommendation of Karen Mullen, Parks & Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the grant of a 40-foot easement to the City of Sparks for sewer and effluent lines through the southwest corner of Sky Ranch Park and along the eastern boundary of the Lazy 5 Regional Park be approved and Chairman Sferrazza be authorized to execute the same.

02-742 CORRECTION OF FACTUAL ERRORS - ASSESSOR

Upon recommendation of Jean Tacchino and Tom Sokol, Assistant Chief Deputy Assessors, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Sferrazza be authorized to execute on behalf of the Commission.

PROPERTY OWNER	PARCEL #	AMOUNT	ROLL
Mark E. Pixley, et al.	001-113-01	[-\$86.92]	2001 Secured
Cherokee Festival Holdings LLC	006-123-04	[-\$795.75]	2001 Secured
Stanley Shane	008-264-05	[-\$13.81]	2001 Secured
E. L. Wiegand Foundation	011-213-04	[-\$78.34]	2001 Secured
E. L. Wiegand Foundation	011-213-05	[-\$70.30]	2001 Secured
Erik Miglins	020-031-17	[-\$86.48]	2001 Secured
J. Brian and Juliene Allman	024-032-09	[-\$362.36]	2001 Secured
Nicolco Corp.	027-412-33	[-\$67.89]	2001 Secured
Dennis A. Owen	032-062-17	[-\$118.86]	2000 Secured
Dennis A. Owen	032-062-17	[-\$98.12]	2001 Secured

Milton E. and Phyllis Champion	032-292-27	[-\$137.71]	2001 Secured
City of Sparks Lessee	034-112-30	[-\$881.08]	2001 Secured
Vintage Hills Senior Apartments	2/039-044	[-\$12,484.89]	2001 Unsecured
Technology Assurance Group	2/104-456	[-\$118.44]	2001 Unsecured
Elite Wall Services	2/108-530	[-\$207.73]	2001 Unsecured
Chem Lab Products Inc.	2/118-030	[-\$437.82]	2001 Unsecured
Express Windshield Repair	2/137-059	[-\$21.65]	2001 Unsecured
David A. Kahan, APC	2/171-076	[-\$161.61]	2001 Unsecured
F N F Capital Inc.	2/191-594	[-\$1,354.37]	2001 Unsecured
Dolphin Capital Corp	2/191-942	[-\$45.84]	2001 Unsecured
S N E Equipment Services	2/192-080	[-\$699,596.37]	2001 Unsecured
Auraroma	2/200-391	[-\$28.21]	2001 Unsecured
Easy Riders of Reno	2/200-430	[-\$230.56]	2001 Unsecured
Sacsaver	2/201-763	[-\$4,846.16]	2001 Unsecured
Oskis Pub & Grill	2/210-550	[-\$98.86]	2001 Unsecured
Breaktime Billiards	2/215-116	[-\$674.79]	2001 Unsecured
B & L Disposal	2/271-092	[-\$1,889.37]	2001 Unsecured
R S W Recycling	2/486-002	[-\$16,327.14]	2001 Unsecured
Terry V. or Sandra A. Zimelman	32/09-251	[-\$125.19]	2001 Unsecured
Rebbecks Automotive	2/130-167	[-\$121.21]	2000 Unsecured

02-743 AUTHORIZATION TO REQUEST PROPOSALS - CONSULTANT ANALYSIS - PCE IN SEWER & IMPACT ON GROUNDWATER - CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT - WATER RESOURCES

Steve Bradhurst, Water Resources Director, stated staff is requesting authorization to issue the Request for Proposals to conduct a study to determine if there is contamination of the groundwater and soil associated with PCE in the sewer system. He advised that he did receive a call from Gregg Dennis, City of Reno, who requested the study be continued until it and the draft remediation plan can be thoroughly discussed. Mr. Bradhurst further reported that the State has asked the County to do this study; and the State is, in fact, trying to obtain some federal funding for the study. Jim Ford, Remediation District Program Manager, advised it would take approximately six months to develop a scope of work, issue the Request for Proposals, evaluate the proposals received, and hire a consultant.

Upon recommendation of Jeanne Ruefer and Jim Ford, Water Resources Department, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Sferrazza ordered that staff be authorized to request proposals for quantifying potential impacts from PCE in the sewers on groundwater and soils of the Central Truckee Meadows.

**DECLARE CERTAIN PARCELS SURPLUS AND RESOLUTION
AUTHORIZING DISPOSITION - GENERAL SERVICES**

Tom Gadd, General Services Director, advised that, pursuant to previous Board direction, staff has compiled a list of properties owned by Washoe County in order to determine the status of each property and establish a long-term management plan. The list was circulated to other County departments for their review and comment, after which the properties were categorized as follows: 1) held for other agencies, 2) occupied by County staff, 3) hold for future expansion, 4) Parks Department, 5) Water Resources-utilities, rights-of-way, drainage, 6) open space program, and 7) potential disposition. A complete, categorized list was placed on file with the Clerk. He stated staff is recommending that the four parcels on North Hills Boulevard be declared as surplus to the County's needs so they can be sold. The four parcels are identified as Assessor's Parcel Numbers 552-131-01, 552-131-02, 552-132-01 and 552-132-02. Mr. Gadd then explained the auction and bid process for selling County-owned property as outlined in Nevada Revised Statutes.

Commissioner Galloway noted the subject parcels are located within the Reno-Stead Joint Corridor Plan (RSJCP) and some of them have been put into the Reno Sphere of Influence in the Regional Plan Update, which the County is protesting. He asked if it would be possible to sell the parcels under a deed restriction that would allow development only in accordance with the RSJCP.

Madelyn Shipman, Assistant District Attorney, stated conditions can be imposed anytime a property is sold; but, depending on the type of conditions, the value of the property may be affected. She further stated the question was raised at Caucus as to whether these parcels could be sold on the condition that they would not annex into the City of Reno; and she said she does not believe that would be a proper condition.

Commissioner Galloway requested additional information concerning the use and zoning of surrounding properties and the proximity of the subject parcels to the McMullen-Beckworth parcels. He suggested consideration be given to holding some of the land as a buffer zone between developments.

Chairman Sferrazza stated he would want the North Valleys Citizen Advisory Board and the Golden Valley Homeowners Association to review and comment on whether they feel there is a public use for these properties. He further expressed his desire that when the County sells assets, the money should not be put in the General Fund, but should go into a special fund and be restricted for acquisition of other assets.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that:

1. No action be taken to sell the North Hills Boulevard parcels at this time.

2. Staff be directed to present the proposal to sell the subject parcels to the North Valleys Citizen Advisory Board and the Golden Valley Homeowners Association for their comments/suggestions and report back to the Board.

3. Staff be directed to provide information to the Board concerning the ramifications, if any, of selling the subject parcels as commercial property in light of the Reno-Stead Joint Corridor Plan and the issues with the Regional Plan Update.

4. Staff be directed to include in the next agenda item concerning sales of County owned property or assets that the revenue derived from the sale would be restricted for use in acquiring other property or assets.

02-745 APPOINTMENT - DIRECTOR OF COMMUNITY DEVELOPMENT

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that Adrian P. Freund be appointed as Director of Community Development at an annual salary of \$104,424 effective upon his assuming the position, which is expected to be between August 5, 2002 and August 12, 2002.

Chairman Sferrazza expressed his disagreement with the salary range.

02-746 APPOINTMENT - PUBLIC GUARDIAN

Chairman Sferrazza requested that, in the future, at least one County Commissioner sit on the selection committee for appointments that require Board confirmation.

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that Kay Joslin be appointed as Public Guardian for a term of four years, at an annual salary of \$72,384 effective upon her assuming the position between the period July 15 to July 22, 2002.

It was noted that the appointment for a specific "term" is by Nevada Revised Statutes.

02-747 DISCUSSION/DIRECTION - RICHARD HARDENBROOK REQUEST - NEVADA DIVISION OF FORESTRY FACILITY IN WASHOE VALLEY

Richard Hardenbrook, East Lake Boulevard, Washoe Valley, presented maps and historical information concerning the Nevada Division of Forestry (NDF) facility located at 885 East Lake Boulevard. His contention was that NDF is not in conformance with the land grant, the management plan, or the land use plan; and his

complaints to the NDF have not been addressed. He stated the facility is being used for truck maintenance and repair, a junk vehicle storage area, a metal fabrication shop, convict daycare, a training facility, and a helicopter landing site, instead of the tree nursery and wildlife habitat as it was designated.

Commissioner Galloway noted Washoe County does not have jurisdiction over federal or state lands. Mr. Hardenbrook advised that the Washoe County Planning Commission did approve the tree farm with conditions, but alleged that NDF misrepresented that approval to the Department of Interior as approving the vehicle maintenance facility. Chairman Sferrazza stated he would not have a problem with the County Commission writing a letter to the effect that Washoe County never approved anything except a tree farm, as long as that can be documented by staff. Mr. Hardenbrook stated his concern is protecting the open space and the Scripps Wildlife area. Commissioner Galloway stated all the Board can do is send a letter asking NDF and the Bureau of Land Management (BLM) to address Mr. Hardenbrook's concerns. Mr. Hardenbrook stated he would like the Board to request the Department of Interior to enforce the conditions of the land grant.

Robert Ruffridge, Regional Manager, Nevada Division of Forestry, explained there have been modifications to the original site development plan, all of which have been approved by the BLM; and they will soon be in full compliance. He stated there has been an on-going dialog between Mr. Hardenbrook, the State Forester, the Governor's office, and others; and, while the facility may not be what Mr. Hardenbrook would like it to be, there have been improvements. They have reduced the number of excess, stored vehicles to the bare minimum, and have reduced the noise and lighting from the property by planting buffers of trees. Mr. Ruffridge stated the facility is their Western Region Headquarters, Administrative Offices, and vehicle repair facility; and it has operated as a vehicle repair facility since 1979.

3:20 p.m. Commissioner Short temporarily left the meeting.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Short temporarily absent, Chairman Sferrazza ordered that staff be directed to draft a letter to be sent to the Congressional Delegation, the Department of Interior, and the Nevada Division of Forestry outlining the concerns and requesting they be addressed and including any documentation concerning Washoe County approvals.

3:26 p.m. Commissioner Short returned to the meeting.

02-748 AWARD OF BID - FAMILY COURT REMODEL PHASE TWO - PUBLIC WORKS

This was the time to consider award of the bid for the "Family Court Remodel Phase Two" project on behalf of the Public Works Department. Bids were solicited through an informal process.

Following is a summary of the bids received:

United Construction Company	\$123,600.00
Pinecrest Construction	\$149,194.88
Advance Installation Inc.	\$ 93,333.00
K7 Construction	(no bid)

Upon recommendation of Don Jeppson, Public Works Project Coordinator, through Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Chairman Sferrazza voting "no," it was ordered that the bid for the "Family Court Remodel Phase Two" project on behalf of the Public Works Department be awarded to Advance Installations, Inc., in the amount of \$93,333.00 and Chairman Sferrazza be authorized to execute the contract documents upon presentation.

It was noted that Chairman Sferrazza voted against the motion because he believed there was an alternate plan for said project that would have been of greater benefit to the County in terms of space.

**02-749 BILL NO. 1344 -AMENDING WCC CHAPTER 50 - OFF-ROAD
VEHICLE DEFINITION AND PROHIBITING USE WITHIN 500
FEET OF RESIDENCES**

Bill No. 1344, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING CERTAIN PROVISIONS RELATING TO THE RIDING OF MOTORCYCLES ON MOTORCYCLE COURSES AND BY ADDING PROVISIONS PROHIBITING THE OPERATION OF OFF-ROAD VEHICLES WITHIN 500 FEET OF RESIDENCES OR IN SUCH A MANNER AS TO DISTURB THE PEACE," was introduced by Commissioner Short, the title read to the Board and legal notice for final action of adoption directed.

**02-750 REGIONAL WATER MANAGEMENT FUND - KENNEDY/JENKS
CONSULTANTS - STORMWATER & INTERLOCAL
AGREEMENT WITH CITY OF RENO - WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division, and Jim Smitherman, Water Management Planning Coordinator, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, it was ordered that funding from the Regional Water Management Fund in the not-to-exceed amount of \$177,000 for Kennedy/Jenks Consultants (KJC) to develop two stormwater quality programs to comply with requirements of the regional stormwater discharge permit be approved. It was further ordered that Chairman Sferrazza be authorized to execute an Interlocal Agreement with the City of Reno, who will amend an existing contract with KJC to have the work completed.

02-751

**RESOLUTION - 2002 ANIMAL SHELTER BOND AND TAX
OVERRIDE ELECTION - BALLOT QUESTION**

John Sherman, Finance Director, was present to provide information and respond to questions regarding the ballot question for the animal control shelter.

Jeanne Stoess, former County Commissioner and Chairperson for a "large group of individuals" who will be campaigning in favor of this ballot question, thanked the Board for their support on this issue.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sferrazza be authorized to execute it on behalf of Washoe County:

RESOLUTION NO. 02-751

A RESOLUTION DESIGNATED AS THE "2002 ANIMAL SHELTER BOND AND TAX OVERRIDE ELECTION RESOLUTION;" DECLARING THE NECESSITY OF INCURRING A BONDED INDEBTEDNESS AND LEVYING A SPECIAL ELECTIVE TAX ON BEHALF OF THE COUNTY; STATING THE PURPOSE THEREOF; DETERMINING THE MAXIMUM AMOUNT OF BONDS TO BE ISSUED; CALLING AN ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON TUESDAY, NOVEMBER 5, 2002, FOR THE SUBMISSION OF THE QUESTION OF ISSUING THE COUNTY'S GENERAL OBLIGATION BONDS AND LEVYING A SPECIAL ELECTIVE TAX; PRESCRIBING THE NOTICE OF ELECTION AND OTHER DETAILS IN CONNECTION WITH THE ELECTION; RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County (the "County"), in the State of Nevada (the "State"), was duly organized and created pursuant to Nevada Revised Statutes ("NRS") 243.340, and is operating as a County under NRS Chapter 244 and the general laws of the State; and

WHEREAS, the Board of County Commissioners of Washoe County, Nevada (the "Board") is authorized to pursuant to NRS 244.359 and 244A.019

(collectively, the "Project Act") to acquire, construct, reconstruct, improve and equip a county building project to be used as an animal shelter (the "Animal Shelter Project" or "Project"); and

WHEREAS, the Board has determined that it is necessary and advisable that the County incur a bonded indebtedness pursuant to NRS 244A.011 through 244A.065 (the "County Bond Law"), NRS 350.011 through 350.0165, as amended (the "Debt Management Commission Act"), NRS 350.020 through 350.070 (the "Bond Election Act"), and NRS 350.500 through 350.720 (designated in 350.500 therein as the "Local Government Securities Law"; herein the "Bond Act") in the maximum principal amount of \$10,750,000 (the "Bonds") for the purpose of providing funds for the Animal Shelter Project; and

WHEREAS, the Board has determined that it is necessary and advisable that the Board levy a special elective tax pursuant to NRS 354.5982 (the "Tax Act") to provide funds to operate and maintain the Animal Shelter Project and perform related animal control functions of up to \$0.03 per \$100 assessed valuation for a period of 30 years commencing July 1, 2003 (the "Special Elective Tax"); and

WHEREAS, in the judgment of the Board, it is necessary and advisable that a bond and tax override election be called to be held on Tuesday, November 5, 2002, to submit to the electors of the County a question on the issuance of the Bonds and levy of the Special Elective Tax in the form set forth in Section 9 of this resolution (the "Question"); and

WHEREAS, by resolution heretofore adopted, the Debt Management Commission of the County approved the County's proposal to issue such Bonds and levy the Special Elective Tax pursuant to the Debt Management Commission Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. This resolution shall be known and may be cited as the "2002 Animal Shelter Bond and Tax Override Election Resolution" (the "Resolution").

Section 2. The Board hereby finds and declares the necessity of incurring a bonded indebtedness for the purpose of financing the Project and levying the Special Elective Tax for the purpose of providing funds to operate and maintain the Project and perform related animal control functions.

Section 3. A County bond and tax override election is hereby designated, ordered, and called to be held in the County in conjunction with the statewide general election to be held within the County on Tuesday, November 5, 2002 (the "Election"), at which there shall be submitted to the registered voters of the County the Question hereinafter set forth. The Election shall be conducted in accordance with the Bond Election Act, the Tax Act, and in the manner provided by Chapter 293 and 293B of NRS, and all laws amendatory thereof (the "General Election Act").

Section 4. Every person who resides within the boundaries of the County at the time of the holding of the Election, and whose name appears upon the official register of voters for the County, shall be entitled to vote at the Election if such person has complied with the registration laws of the State.

Section 5. Absent voting shall be permitted in the manner provided by NRS 293.309 through 293.340, as amended, and laws thereunto enabling.

Section 6. The authority to issue the Bonds as aforesaid, if conferred at the Election, shall be deemed and considered a continuing authority to issue and deliver the Bonds at one time or from time to time, in one series or in more than one series, all as ordered by the Board. Neither the partial exercise of the authority so conferred nor the lapse of time shall be considered as exhausting or limiting the full authority so conferred; but no Bonds shall be issued or sold by the Board after the expiration of six years from the date of the Election unless NRS 350.2013 shall be directly or impliedly amended to provide otherwise.

Section 7. On or before July 15, 2002, the Board shall provide the County Registrar of Voters (the "Registrar") with a copy of the Bond Question, including explanations of the question and additional information as set forth in Section 10 hereof, pursuant to NRS 293.481(1)(b), as amended.

Section 8. Voter registration for the Election shall be conducted in accordance with the General Election Act. Any qualified elector whose name does not appear on the official registry list of qualified electors for the County, as shown by the records of the registry agent, may apply to the Registrar at his office or before a Deputy Registrar of Voters, up to and including the last day for registration of voters, as provided in NRS. Registration offices shall be open during regular office hours (8:00 a.m. to 5:00 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted); but during the last five (5) days before registration closes, including the Saturday on which registration closes, registration offices shall be open from 8:00 a.m. to 9:00 p.m. The Registrar is hereby directed to give notice of the close of registration by publishing in a newspaper having general circulation in the County a notice indicating the day that registration will close. Such notice shall be published once in each calendar week for four successive calendar weeks next preceding the close of registration, and may be in substantially the form as placed on file with the Clerk, or as otherwise specified by the Registrar:

Section 9. A mechanical voting system, including, without limitation, ballot cards, ballot page assemblies, and a vote recording device, and, to the extent necessary, paper ballots shall be used at the election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided

in the Bond Election Act, in the General Election Act, and in all laws thereunto enabling. There shall be inserted in each of the ballot page assemblies or otherwise in the mechanical voting system the submission clause for the Question in substantially the following form, with such changes as are approved by the Finance Director:

ANIMAL SHELTER BOND AND TAX OVERRIDE QUESTION

Shall Washoe County be authorized to issue up to \$10,750,000 of general obligation bonds to provide an animal shelter project and to levy an additional property tax rate for the purpose of operating and maintaining the animal shelter project and performing related animal control functions of up to \$0.03 per \$100 of assessed valuation for a period of up to 30 years? The bonds are expected to require a property tax levy for 30 years. The bonds are estimated to result in an increase in the property taxes that the owner of a new \$100,000 home will pay which will average \$1.98 per year. In addition, the cost of the \$0.03 animal shelter operating property tax levy for the owner of a new \$100,000 home is estimated to be \$10.50 per year. An Interlocal Agreement between Reno, Sparks, and Washoe County, requires the \$0.03 operating property tax rate increase to be fully offset by property tax reductions totaling \$0.03 in the Cities of Reno and Sparks and partially offset by a property tax reduction of \$0.01 in the unincorporated areas of the County.

Section 10. A sample ballot shall be mailed to each registered voter in the County as provided by NRS 293.565, 350.024 and 350.027, and shall include, without limitation, the registered voter's precinct number and polling place and the following information in substantially the form as placed on file with the Clerk with such changes as are approved by the Finance Director.

Section 11. If it is impractical to supply the polling place with mechanical voting devices, there shall be supplied as many such ballot cards and ballot page assemblies as it is practical to procure. The paper ballots to be used at the Election in those election precincts, if any, not using ballot cards and ballot page assemblies, if any, shall be in part in substantially the form as placed on file with the Clerk.

Section 12. Nothing in this Resolution prevents the inclusion in the ballots of Provisions for the expression by the qualified registered voters of the County of

their choice for any questions or proposals other than the Question submitted at the Election to the qualified registered voters.

Section 13. The polls shall be opened at the hour of 7:00 a.m. on the day of the Election and shall remain open until and be closed at 7:00 p.m. of the same day, as provided in NRS 293.273, General Election Act, and all laws supplemental thereto.

Section 14. Except as specifically provided in this Resolution, in the Bond Act, and in The Bond Election Act, the Election shall be held and conducted in accordance with the General Election Act and with all laws supplemental thereto.

Section 15. The County Clerk shall cause a notice of the Election to be published in a newspaper printed in and having general circulation in the County, at least once in each calendar week for two successive calendar weeks by two weekly insertions a week apart, the first publication to be not more than 30 days nor less than 22 days next preceding the date of the Election.

Section 16. The notice of the Election shall be in substantially the form as placed on file with the Clerk.

Section 17. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the Board.

Section 18. Within five (5) working days of the Election, the Board shall meet and publicly canvass the returns.

Section 19. If a majority of the votes cast is in favor of the issuance of the Bonds designated in the Question, the proposal to issue them shall have been carried, and the Board shall cause an entry of that fact to be made upon its minutes and shall proceed to complete the printing, execution, advertising and sale of the Bonds. If the majority of the votes cast is against the issuance of the Bonds designated in the Question, the proposal to issue them shall have failed, and the Board shall proceed no further with the printing, execution, advertisement or sale of the bonds.

Section 20. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and by the officers of the County relating to:

- A. The Election,
- B. The Question,
- C. The Project, and
- D. The issuance of Bonds for said purpose,

is ratified, approved and confirmed.

Section 21. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 22. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 23. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 24. This Resolution shall be in effect from and after its adoption.

**02-752 RESOLUTION - UNINCORPORATED COUNTY VOTERS
SPHERES OF INFLUENCE AND UNINCORPORATED
MUNICIPAL SERVICES TAX - BALLOT QUESTION**

John Sherman, Finance Director, and Dan Burk, Registrar of Voters, responded to questions concerning the sequence and how the questions will appear on the ballot.

Commissioner Bond stated approval of this question creates another layer of government. She further expressed concerns that it will be very difficult to make this clear enough so that the voters will be able to make an informed decision. Commissioner Galloway stated it is just a taxing district, not another layer of government. Commissioner Bond stated the municipal services tax was initially put forth as a means of addressing fiscal equity, but now the whole issue of the Regional Plan Update has been incorporated. Commissioner Galloway stated the results of these questions will provide the Board with insight as to the Spheres of Influence.

Citizens Sam Dehne and Mike Tracy addressed the Board concerning annexation of property by the City of Reno.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sferrazza be authorized to execute the same on behalf of Washoe County:

RESOLUTION NO. 02-752

A RESOLUTION DESIGNATED AS THE "UNINCORPORATED COUNTY VOTERS SPHERE OF INFLUENCE AND UNINCORPORATED MUNICIPAL SERVICES TAX RESOLUTION;" DECLARING THE NECESSITY OF SUBMITTING A QUESTION AT THE GENERAL ELECTION ON TUESDAY, NOVEMBER 5, 2002 ASKING THE ADVICE OF THE REGISTERED VOTERS RESIDING WITHIN THE COUNTY AND OUTSIDE THE BOUNDARIES OF THE INCORPORATED CITIES OF RENO AND SPARKS WHETHER AN ADDITIONAL PROPERTY TAX SHOULD BE IMPOSED IN THE UNINCORPORATED AREA OF WASHOE COUNTY FOR MUNICIPAL SERVICES IF THE SPHERES OF INFLUENCE ARE RETURNED TO THEIR PRE-MAY 9, 2002 LOCATIONS; PRESCRIBING THE QUESTION AND OTHER DETAILS IN CONNECTION WITH THE ELECTION; RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County (the "County"), in the State of Nevada (the "State"), was duly organized and created pursuant to Nevada Revised Statutes ("NRS") 243.340, and is operating as a County under NRS Chapter 244 and the general laws of the State; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has determined that it is necessary and advisable that the County submit a question as set forth herein (the "Question") to the registered voters residing within the boundaries of the county and outside the boundaries of the incorporated cities of Reno and Sparks at the next succeeding general election to be held on November 5, 2002 (the "Election") pursuant to NRS 293.482 (the "Advisory Question Statute"), for the purpose of obtaining the advice of the electors on a question the Board has under consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. This resolution shall be known and may be cited as the "Unincorporated County Voters Sphere of Influence and Unincorporated Municipal Services Tax Resolution " (the "Resolution").

Section 2. The Board hereby finds and declares the necessity of submitting the Question to the registered voters residing within the boundaries of the

county and outside the boundaries of the incorporated cities of Reno and Sparks (the "Area") at the Election pursuant to Advisory Question Statute for the purpose of obtaining the advice of the electors on a matter the Board has under consideration.

Section 3. The Question is hereby designated and ordered to be submitted to the registered voters residing within the boundaries of the Area at the Election. The Election shall be conducted in accordance with Chapter 293 and 293B of NRS, and all laws amendatory thereof (the "General Election Act").

Section 4. Every person who resides within the boundaries of the Area at the time of the holding of the Election, and whose name appears upon the official register of voters for the County, shall be entitled to vote at the Election if such person has complied with the registration laws of the State.

Section 5. Absent voting shall be permitted in the manner provided by NRS 293.309 through 293.340, as amended, and laws thereunto enabling.

Section 6. On or before July 15, 2002, the County Clerk shall provide the County Registrar of Voters (the "Registrar") with a copy of the Question, including an explanation of the Question as set forth herein, and arguments for and against the Question shall be formulated as set forth in NRS 295.121, as amended.

Section 7. Voter registration for the Election shall be conducted in accordance with the General Election Act. Any qualified elector whose name does not appear on the official registry list of qualified electors for the Area within the County, as shown by the records of the registry agent, may apply to the Registrar at his office or before a Deputy Registrar, up to and including the last day for registration of voters, as provided in NRS. Registration offices shall be open during regular office hours (8:00 a.m. to 5:00 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted); but during the last five (5) days before registration closes, including the Saturday on which registration closes, registration offices shall be open from 8:00 a.m. to 5:00 p.m., and from 7:00 p.m. to 9:00 p.m. The Registrar is hereby directed to give notice of the close of registration by publishing in a newspaper having general circulation in the County a notice indicating the day that registration will close. Such notice shall be published once in each calendar week for four successive calendar weeks next preceding the close of registration, and may be as specified by the Registrar.

Section 8. A mechanical voting system, including, without limitation, ballot cards, ballot page assemblies, and a vote recording device, and, to the extent necessary, paper ballots shall be used at the Election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided in the General Election Act, and in all laws thereunto enabling. There shall be inserted in each of the ballot page assemblies or otherwise in the mechanical voting system the submission clause for the Question in substantially

the following form, with such changes as are approved by the County Manager or County Finance Director:

**UNINCORPORATED COUNTY VOTERS SPHERE OF INFLUENCE AND
UNINCORPORATED MUNICIPAL SERVICES TAX QUESTION**

Would you support the imposition of a property tax in the unincorporated area of Washoe County to cover the cost of the provision of municipal services in the unincorporated area if the Spheres of Influence of Reno and Sparks were moved back to their pre-May 9, 2002 locations?

[remainder of submission clause placed on file with the Clerk]

Section 9. A sample ballot shall be mailed to each registered voter in the County as provided by NRS 293.565, and shall include, without limitation, the registered voter's precinct number and polling place and the information in substantially the form as shown in the submission clause in the preceding section with such changes as are approved by the County Manager or County Finance Director.

Section 10. If it is impractical to supply the polling place with mechanical voting devices, there shall be supplied as many such paper ballots, ballot cards and ballot page assemblies as it is practical to procure.

Section 11. Nothing in this Resolution prevents the inclusion in the ballots of provisions for the expression by the qualified registered voters of the Area of the County of their choice for any questions or proposals other than the Question submitted at the Election to the qualified registered voters.

Section 12. The polls shall be opened at the hour of 7:00 a.m. on the day of the Election and shall remain open until and be closed at 7:00 p.m. of the same day, as provided in NRS 293.273, and all laws supplemental thereto, and the Election shall be held and conducted in accordance with the General Election Act and with all laws supplemental thereto.

Section 13. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the Board. Within five (5) working days of the Election, the Board shall meet and publicly canvass the returns.

Section 14. If a majority of the votes cast is in favor of the Question, the Question shall have been carried, and the Board shall cause an entry of that fact to be made upon its minutes. However, pursuant to NRS 293.482 the Board declares that the result of the voting on the Question does not place any legal requirement on the Board or any officer of the County.

Section 15. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 16. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 17. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 18. This Resolution shall be in effect from and after its adoption.

**02-753 RESOLUTION - 2002 UNINCORPORATED TOWN ELECTION -
BALLOT QUESTION**

Sam Dehne, Reno resident, voiced opposition to any tax increase.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sferrazza be authorized to execute the same on behalf of Washoe County:

RESOLUTION NO. 02-753

A RESOLUTION DESIGNATED AS THE "2002 UNINCORPORATED TOWN ELECTION RESOLUTION;" DECLARING THE NECESSITY OF SUBMITTING A QUESTION AT THE GENERAL ELECTION ON TUESDAY, NOVEMBER 5, 2002 OF THE FORMATION OF AN UNINCORPORATED TOWN TO THE REGISTERED VOTERS RESIDING WITHIN THE BOUNDARIES OF THE UNINCORPORATED AREA OF THE COUNTY PROPOSED FOR THE TOWN FOR THE PURPOSE OF LEVYING A PROPERTY TAX FOR CERTAIN SERVICES WITHIN THOSE BOUNDARIES; PRESCRIBING THE QUESTION AND OTHER DETAILS IN CONNECTION WITH THE ELECTION; RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County (the "County"), in the State of Nevada (the "State"), was duly organized and created pursuant to Nevada Revised Statutes ("NRS") 243.340, and is operating as a County under NRS Chapter 244 and the general laws of the State; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has determined that it is necessary and advisable that the County submit a question as set forth herein (the "Question") of the formation of an unincorporated town to the registered voters residing within the boundaries of the unincorporated area of the County proposed for the town at the next succeeding general election to be held on November 5, 2002 (the "Election") pursuant to NRS 269.500 to 269.625, inclusive (the "Unincorporated Town Government Law"), for the purpose of establishing an unincorporated town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. This resolution shall be known and may be cited as the "2002 Unincorporated Town Election Resolution " (the "Resolution").

Section 2. The Board hereby finds and declares the necessity of submitting the Question of the formation of an unincorporated town to the registered voters residing within the boundaries of the unincorporated area of the County (the "Area") at the Election pursuant to the Unincorporated Town Government Law for the purpose of establishing a new unincorporated town in which the following governmental services: public safety, including, Sheriff's office, fire protection and the District Attorney's office; animal control; community development, including land use planning and zoning and business community development; community support; public works, including engineering and roads; and parks and recreation, including community parks and community centers (the "Governmental Services") are provided, for which the residents of such area pay through ad valorem taxes or for which other revenue is secured from within the area.

Section 3. The Question is hereby designated and ordered to be submitted to the registered voters residing within the boundaries of the Area at the Election. The Election shall be conducted in accordance with Chapter 293 and 293B of NRS, and all laws amendatory thereof (the "General Election Act").

Section 4. Every person who resides within the boundaries of the Area at the time of the holding of the Election, and whose name appears upon the official register of voters for the County, shall be entitled to vote at the Election if such person has complied with the registration laws of the State.

Section 5. Absent voting shall be permitted in the manner provided by NRS 293.309 through 293.340, as amended, and laws thereunto enabling.

Section 6. On or before July 15, 2002, the County Clerk shall provide the County Registrar of Voters (the "Registrar") with a copy of the Question, including an explanation of the Question as set forth herein, and arguments for and against the Question shall be formulated as set forth in NRS 295.121, as amended.

Section 7. Voter registration for the Election shall be conducted in accordance with the General Election Act. Any qualified elector whose name does not appear on the official registry list of qualified electors for the Area within the County, as shown by the records of the registry agent, may apply to the Registrar at his office or before a Deputy Registrar, up to and including the last day for registration of voters, as provided in NRS. Registration offices shall be open during regular office hours (8:00 a.m. to 5:00 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted); but during the last five (5) days before registration closes, including the Saturday on which registration closes, registration offices shall be open from 8:00 a.m. to 5:00 p.m., and from 7:00 p.m. to 9:00 p.m. The Registrar is hereby directed to give notice of the close of registration by publishing in a newspaper having general circulation in the County a notice indicating the day that registration will close. Such notice shall be published once in each calendar week for four successive calendar weeks next preceding the close of registration, and may be as specified by the Registrar.

Section 8. A mechanical voting system, including, without limitation, ballot cards, ballot page assemblies, and a vote recording device, and, to the extent necessary, paper ballots shall be used at the Election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided in the General Election Act, and in all laws thereunto enabling. There shall be inserted in each of the ballot page assemblies or otherwise in the mechanical voting system the submission clause for the Question in substantially the following form, with such changes as are approved by the County Manager or County Finance Director:

WASHOE COUNTY UNINCORPORATED TOWN QUESTION

Shall Washoe County be authorized to form an unincorporated town within the boundaries of the unincorporated area of Washoe County for the purpose of providing funding support for the following governmental services: Sheriff patrol and detectives, land use planning and zoning, business licensing, community parks and recreational services, engineering and road maintenance, misdemeanor prosecution, animal control, and fire suppression? A "yes" vote carries with it the assent to be taxed for such services. Imposition of any such tax would require the approvals of the Board of County Commissioners and the Nevada Department of Taxation.

Section 9. A sample ballot shall be mailed to each registered voter in the County as provided by NRS 293.565, and shall include, without limitation, the registered voter's precinct number and polling place and the following information in substantially the following form (placed on file with the Clerk) with such changes as are approved by the County Manager or County Finance Director.

Section 10. If it is impractical to supply the polling place with mechanical voting devices, there shall be supplied as many such paper ballots, ballot cards and ballot page assemblies as it is practical to procure.

Section 11. Nothing in this Resolution prevents the inclusion in the ballots of provisions for the expression by the qualified registered voters of the Area of the County of their choice for any questions or proposals other than the Question submitted at the Election to the qualified registered voters.

Section 12. The polls shall be opened at the hour of 7:00 a.m. on the day of the Election and shall remain open until and be closed at 7:00 p.m. of the same day, as provided in NRS 293.273, and all laws supplemental thereto, and the Election shall be held and conducted in accordance with the General Election Act and with all laws supplemental thereto.

Section 13. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the Board. Within five (5) working days of the Election, the Board shall meet and publicly canvass the returns.

Section 14. If a majority of the votes cast is in favor of the Question, the Question shall have been carried, and the Board shall cause an entry of that fact to be made upon its minutes and shall proceed by ordinance with the formation of the unincorporated town. If the majority of the votes cast is against the Question, the Question shall have failed, and the Board shall proceed no further with the formation of the unincorporated town.

Section 15. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 16. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 17. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 18. This Resolution shall be in effect from and after its adoption.

02-754 RESOLUTION - CITY VOTERS SPHERE OF INFLUENCE AND UNINCORPORATED MUNICIPAL SERVICES TAX - BALLOT QUESTION

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sferrazza be authorized to execute the same on behalf of Washoe County:

RESOLUTION NO. 02-754

A RESOLUTION DESIGNATED AS THE "CITY VOTERS SPHERE OF INFLUENCE AND UNINCORPORATED MUNICIPAL SERVICES TAX RESOLUTION;" DECLARING THE NECESSITY OF SUBMITTING A QUESTION AT THE GENERAL ELECTION ON TUESDAY, NOVEMBER 5, 2002 ASKING THE ADVICE OF THE REGISTERED VOTERS RESIDING WITHIN THE BOUNDARIES OF THE INCORPORATED CITIES OF RENO AND SPARKS WHETHER THE SPHERES OF INFLUENCE SHOULD BE RETURNED TO THEIR PRE-MAY 9, 2002 LOCATIONS IF AN ADDITIONAL PROPERTY TAX IS IMPOSED IN THE UNINCORPORATED AREA OF WASHOE COUNTY FOR MUNICIPAL SERVICES; PRESCRIBING THE QUESTION AND OTHER DETAILS IN CONNECTION WITH THE ELECTION; RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County (the "County"), in the State of Nevada (the "State"), was duly organized and created pursuant to Nevada Revised Statutes ("NRS") 243.340, and is operating as a County under NRS Chapter 244 and the general laws of the State; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has determined that it is necessary and advisable that the County submit a question as set forth herein (the "Question") to the registered voters residing within the boundaries of the county and outside the boundaries of the incorporated cities of Reno and Sparks at the next succeeding general election to be held on November 5, 2002 (the "Election") pursuant to NRS 293.482 (the "Advisory Question Statute"), for the purpose of obtaining the advice of the electors on a question the Board has under consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. This resolution shall be known and may be cited as the "City Voters Sphere of Influence and Unincorporated Municipal Services Tax Resolution" (the "Resolution").

Section 2. The Board hereby finds and declares the necessity of submitting the Question to the registered voters residing within the boundaries of the incorporated cities of Reno and Sparks (the "Area") at the Election pursuant to Advisory Question Statute for the purpose of obtaining the advice of the electors on a matter the Board has under consideration.

Section 3. The Question is hereby designated and ordered to be submitted to the registered voters residing within the boundaries of the Area at the Election. The Election shall be conducted in accordance with Chapter 293 and 293B of NRS, and all laws amendatory thereof (the "General Election Act").

Section 4. Every person who resides within the boundaries of the Area at the time of the holding of the Election, and whose name appears upon the official register of voters for the County, shall be entitled to vote at the Election if such person has complied with the registration laws of the State.

Section 5. Absent voting shall be permitted in the manner provided by NRS 293.309 through 293.340, as amended, and laws thereunto enabling.

Section 6. On or before July 15, 2002, the County Clerk shall provide the County Registrar of Voters (the "Registrar") with a copy of the Question, including an explanation of the Question as set forth herein, and arguments for and against the Question shall be formulated as set forth in NRS 295.121, as amended.

Section 7. Voter registration for the Election shall be conducted in accordance with the General Election Act. Any qualified elector whose name does not appear on the official registry list of qualified electors for the Area within the County, as shown by the records of the registry agent, may apply to the Registrar at his office or before a Deputy Registrar, up to and including the last day for registration of voters, as provided in NRS. Registration offices shall be open during regular office hours (8:00 a.m. to 5:00 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted); but during the last five (5) days before registration closes, including the Saturday on which registration closes, registration offices shall be open from 8:00 a.m. to 5:00 p.m., and from 7:00 p.m. to 9:00 p.m. The Registrar is hereby directed to give notice of the close of registration by publishing in a newspaper having general circulation in the County a notice indicating the day that registration will close. Such notice shall be published once in each calendar week for four successive calendar weeks next preceding the close of registration, and may be as specified by the Registrar.

Section 8. A mechanical voting system, including, without limitation, ballot cards, ballot page assemblies, and a vote recording device, and, to the extent necessary, paper ballots shall be used at the Election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided in the General Election Act, and in all laws thereunto enabling. There shall be inserted in each of the ballot page assemblies or otherwise in the mechanical voting system the submission clause for the Question in substantially the following form, with such changes as are approved by the County Manager or County Finance Director:

**CITY VOTERS SPHERE OF INFLUENCE AND
UNINCORPORATED MUNICIPAL SERVICES TAX
QUESTION**

Would you support moving the Spheres of Influence of Reno and Sparks back to their pre-May 9, 2002 locations, if a property tax were imposed in the unincorporated area of Washoe County to cover the cost of the provision of municipal services in the unincorporated area.

[remainder of clause placed on file with the Clerk]

Section 9. A sample ballot shall be mailed to each registered voter in the County as provided by NRS 293.565, and shall include, without limitation, the registered voter's precinct number and polling place and the information in substantially the form as shown in the submission clause in the preceding section with such changes as are approved by the County Manager or County Finance Director.

Section 10. If it is impractical to supply the polling place with mechanical voting devices, there shall be supplied as many such paper ballots, ballot cards and ballot page assemblies as it is practical to procure.

Section 11. Nothing in this Resolution prevents the inclusion in the ballots of provisions for the expression by the qualified registered voters of the Area of the County of their choice for any questions or proposals other than the Question submitted at the Election to the qualified registered voters.

Section 12. The polls shall be opened at the hour of 7:00 a.m. on the day of the Election and shall remain open until and be closed at 7:00 p.m. of the same day, as provided in NRS 293.273, and all laws supplemental thereto, and the Election shall be held and conducted in accordance with the General Election Act and with all laws supplemental thereto.

Section 13. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results

so disclosed to the Board. Within five (5) working days of the Election, the Board shall meet and publicly canvass the returns.

Section 14. If a majority of the votes cast is in favor of the Question, the Question shall have been carried, and the Board shall cause an entry of that fact to be made upon its minutes. However, pursuant to NRS 293.482 the Board declares that the result of the voting on the Question does not place any legal requirement on the Board or any officer of the County.

Section 15. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 16. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 17. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 18. This Resolution shall be in effect from and after its adoption.

02-755 UPDATE - UNIVERSITY RIDGE PARK

Chairman Sferrazza read an e-mail correspondence from Tracy Chase, City of Reno, concerning the transfer of the park site property and advising it will be on the Reno City Council agenda on either August 20 or 27, 2002. He stated both he and Reno Councilmember Sherrie Doyle have requested it be on the Council's agenda sooner than the end of August.

Frank Gross, University Ridge resident, stated the City has entered into a contract, and money has been spent by both the City and the County; but the City still does not have control of the land.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that staff be directed to convey the Board's desire to the City of Reno that the matter be resolved before August. It was further ordered that the Commission receive another update and status report in one month.

It was noted by both Commissioner Galloway and Chairman Sferrazza that the Board's concerns are due to the fact the County transferred funds from a County bond issue to the City of Reno specifically to build this park; and it was supposed to have been completed within three years.

02-756 REGIONAL PLAN UPDATE

Sam Dehne, Reno resident, expressed his views about the actions taken by the Regional Planning Governing Board in allowing the City of Reno to quadruple its annexation capabilities. He also reported that at today's Reno City Council meeting, the Council voted to approve rezoning much of land they just took away from the County.

02-757 2002 COMMISSION RETRAC RESOLUTION - BALLOT QUESTION

This was the time to consider possible adoption of a Resolution designated as the "2002 Commission ReTRAC Resolution" declaring the necessity of submitting a question at the general election on Tuesday, November 5, 2002 requesting advice from the registered voters residing in Washoe County on whether the Board of County Commissioners should adopt a Resolution urging the City Council of the City of Reno to: 1) reconsider and change direction with regard to the railroad (ReTRAC) trench project; or, 2) continue forward with implementation of the railroad (ReTRAC) trench project.

The following individuals spoke in support of the Commission placing a question on the election ballot concerning the City of Reno's ReTRAC Project so the citizens could vote on this issue: Jan Chastain, Mike Tracy, Mike Robinson, Frank Gross, Julie Sferrazza, Sandi Rizzo, Assemblywoman Sharron Angle, Ike Eichbaum, Sam Dehne, Robert Rose, Bill Hamma, Gary Ferro, and Chad Dehne. Mr. Tracy displayed the 3,000 petition pages containing over 15,000 signatures of citizens who want the opportunity to vote on this issue.

Eddie Anderson and Frank Partlow spoke in opposition to placing a question on the ballot. Mr. Anderson pointed out that 15,000 signatures are not representative of the 185,000 people residing in the area.

5:25 p.m. Commissioner Short temporarily left the meeting.

Chairman Sferrazza read comment cards into the record submitted by Jim Covert, Donna Rose, and Doug Smith, and a letter from Reno City Councilmember Jessica Sferrazza-Hogan expressing support for the ballot question.

5:30 p.m. The Board took a brief recess.

5:40 p.m. The Board reconvened with all Commissioners present.

Commissioner Short stated, after he was elected as County Commissioner, he asked Assistant District Attorney Madelyn Shipman if there was any way the previous Board action approving the sales tax increase for the trench project could be reversed in order to put the issue to a public vote. He said he was told there was nothing the County Commission could do to change that previous Board action because of the way the bonds

were sold and the financing was put together. He advised that Ms. Shipman said she believed the County would lose if the matter was taken to court, and her opinion was backed 100 percent by the Attorney General's opinion. Commissioner Short expressed appreciation for the citizens making such an effort to get this issue on the ballot. He said, when there is such a signature effort as has been accomplished, he believes the people should have an opportunity to express their opinion. He then noted the vote would have no impact whatsoever on the trench project, as it is a City of Reno project and Washoe County has no standing in the matter.

Commissioner Shaw advised he has received more input from people wanting to vote on the trench issue than from people who do not think the issue should be on the ballot. He said he believes the citizens should be entitled to vote on the issue with or without the petition.

Commissioner Bond stated she would have no problem putting an advisory question regarding the railroad trench on the ballot, but it should contain a "yes" or "no" answer. She said an advisory question concerning a reconsideration of changing direction would be moot, noting the City of Reno would be looking at contracts for the project next week.

Commissioner Galloway suggested putting the advisory question concerning whether Washoe County should urge the City of Reno to continue implementation of the railroad trench project on the ballot. He said the language in the explanation should be worded in a way that a "no" vote would indicate to the Commission that County residents do not support such a resolution. He commented that the question would not be binding and would not tell the City Council what they could or could not do, but the knowledge that there would be such a vote might encourage delaying the project until the ballot outcome is known. Commissioner Galloway commented that he ran for County Commissioner on certain principles, one being fair process, and believes accountability is part of fair process.

Commissioner Sferrazza said he requested this agenda item because, when he ran for County Commissioner in 1998, he pledged he would not vote for any sales tax increase without a vote of the people. He stated that, between the time he was elected in 1998 and took his Oath of Office in January of 1999, his opponent voted to raise the sales tax without a vote of the people. He said, at the first meeting after he was sworn in, he moved to rescind the sales tax, which failed based on the District Attorney's advice; and the District Attorney's opinion was upheld by the Attorney General's opinion that said the City had already pledged those monies for railroad trench bonds. Commissioner Sferrazza stated that 95 percent of the constituents in his District live in the City of Reno and have been denied the right to vote on this issue. He cited Article 1, Section 2, and Article 19, Section 4, of the Nevada Constitution and stated the County Commission would be doing a great service by giving the people the right to vote, as guaranteed to them by the Nevada Constitution.

Upon inquiry of Commissioner Galloway, Legal Counsel Shipman advised that the Board could direct the Registrar of Voters to withdraw the advisory question if the Supreme Court acts to allow a public vote on the issue as requested by the citizens. Dan Burk, Registrar of Voters, advised that the cutoff date to print the ballots for the general election is September 10, which is the date the County Commission certifies the results of the September 3 primary election.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution designated as the "2002 Commission Resolution ReTRAC Question" asking for a "yes" or "no" vote regarding a Commission Resolution urging continued implementation of the City of Reno railroad (ReTRAC) trench project be adopted, as amended, and Chairman Sferrazza be authorized to execute the Resolution on behalf of the Board. It was noted the amendment to the Resolution is contained in the second paragraph of the explanation whereby a "no" vote would indicate to the Commission that County residents do not support such a Resolution.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that the Registrar of Voters be directed to pull the ReTRAC advisory question from the ballot only if, by or on September 10, 2002, the Nevada Supreme Court has taken action that allows a question to be placed on the ballot concerning the railroad trench project as requested by the citizens.

A RESOLUTION DESIGNATED AS THE "2002 COMMISSION RESOLUTION ReTRAC QUESTION;" DECLARING THE NECESSITY OF SUBMITTING A QUESTION AT THE GENERAL ELECTION ON TUESDAY, NOVEMBER 5, 2002 REQUESTING ADVICE FROM THE REGISTERED VOTERS RESIDING IN WASHOE COUNTY ON WHETHER THE BOARD OF COUNTY COMMISSIONERS SHOULD ADOPT A RESOLUTION URGING THE CITY COUNCIL OF THE CITY OF RENO TO CONTINUE IMPLEMENTATION OF THE RAILROAD (ReTRAC) TRENCH PROJECT.

WHEREAS, Washoe County (the "County"), in the State of Nevada (the "State"), was duly organized and created pursuant to Nevada Revised Statutes ("NRS") 243.340, and is operating as a County under NRS Chapter 244 and the general laws of the State; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has determined that it is necessary and advisable that the County submit a question as set forth herein (the "Question") relating to whether the Board of County Commissioners should adopt a Resolution urging the City Council of the City of Reno to continue implementation of the railroad (ReTRAC) trench project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. This resolution shall be known and may be cited as the "2002 Commission Resolution (ReTRAC) Resolution" (the "Resolution").

Section 2. The Board hereby finds and declares the necessity of submitting the Question of whether the Board of County Commissioners should adopt a Resolution urging the City Council of the City of Reno to continue implementation of the railroad (ReTRAC) trench project.

Section 3. The Question is hereby designated and ordered to be submitted to the registered voters residing within the boundaries of the County at the Election. The Election shall be conducted in accordance with Chapter 293 and 293B of NRS, and all laws amendatory thereof (the "General Election Act").

Section 4. Every person who resides within the boundaries of the County at the time of the holding of the Election, and whose name appears upon the official register of voters for the County, shall be entitled to vote at the Election if such person has complied with the registration laws of the State.

Section 5. Absent voting shall be permitted in the manner provided by NRS 293.309 through 293.340, as amended, and laws thereunto enabling.

Section 6. On or before July 15, 2002, the County Clerk shall provide the County Registrar of Voters (the "Registrar") with a copy of the Question, including an explanation of the Question as set forth herein, and arguments for and against the Question shall be formulated as set forth in NRS 295.121, as amended.

Section 7. Voter registration for the Election shall be conducted in accordance with the General Election Act. Any qualified elector whose name does not appear on the official registry list of qualified electors for the Area within the County, as shown by the records of the registry agent, may apply to the Registrar at his office or before a Deputy Registrar, up to and including the last day for registration of voters, as provided in NRS. Registration offices shall be open during regular office hours (8:00 a.m. to 5:00 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted); but during the last five (5) days before registration closes, including the Saturday on which registration closes, registration offices shall be open from 8:00 a.m. to 5:00 p.m., and from 7:00 p.m. to 9:00 p.m. The Registrar is hereby directed to give notice of the close of registration by publishing in a newspaper having general circulation in the County a notice indicating the day that registration will close. Such notice shall be published once in each calendar week for four successive calendar weeks next preceding the close of registration, and may be as specified by the Registrar.

Section 8. A mechanical voting system, including, without limitation, ballot cards, ballot page assemblies, and a vote recording device, and, to the extent necessary, paper ballots shall be used at the Election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided in the General Election Act, and in all laws thereunto enabling. There shall be inserted in each of the ballot page assemblies or otherwise in the mechanical voting system the submission clause for the Question in substantially the following form:

COMMISSION RESOLUTION URGING CONTINUED IMPLEMENTATION OF CITY OF RENO RAILROAD (ReTRAC) TRENCH PROJECT ADVISORY QUESTION

Shall the Board of Commissioners of Washoe County adopt a resolution urging the City Council of the City of Reno to continue implementation of the railroad (RETRAC) trench project?

Yes...../___/

No...../___/

Explanation: A "yes" vote would advise the Board of County Commissioners to adopt a Resolution urging the City Council of the City of Reno to continue implementation of the railroad (ReTRAC) trench project. A "yes" vote is not binding on the Board of County Commissioners of Washoe County, but would be an indicator to the Commission that county residents desire the Commission to adopt such a Resolution.

A "no" vote would advise the Board of County Commissioners to not adopt a Resolution urging the City Council of the City of Reno to continue implementation of the railroad (ReTRAC) trench project. A "no" vote is not binding on the Board of County Commissioners of Washoe County, but would be an indicator to the Commission that county residents do not want the Commission to adopt a Resolution.

The Board finds it necessary to submit this question to residents of the County because the railroad (ReTRAC) trench project is a significant project with impacts that go beyond City of Reno boundaries. Further, the railroad (ReTRAC) trench project is being partially financed with countywide sales tax dollars.

Additional Information:

Election Details. The election will be held at the same time and place as the statewide general election, on Tuesday, November 5, 2002. Your polling place is listed elsewhere on the sample ballot. The polls will be open from 7:00 a.m. to 7:00 p.m. The election will be held and conducted in accordance with and in the manner provided by the general election laws of the State.

[End of Form of Submission Clause]

Section 9. A sample ballot shall be mailed to each registered voter in the County as provided by NRS 293.565, and shall include, without limitation, the registered voter's precinct number and polling place and the following information in substantially the following form.

COMMISSION RESOLUTION URGING CONTINUED IMPLEMENTATION OF CITY OF RENO RAILROAD (ReTRAC) TRENCH PROJECT ADVISORY QUESTION

Shall the Board of Commissioners of Washoe County adopt a resolution urging the City Council of the City of Reno to continue implementation of the railroad (RETRAC) trench project?

Yes...../___/
No...../___/

Explanation: A "yes" vote would advise the Board of County Commissioners to adopt a Resolution urging the City Council of the City of Reno to continue implementation of the railroad (ReTRAC) trench project. A "yes" vote is not binding on the Board of County Commissioners of Washoe County, but would be an indicator to the Commission that county residents desire the Commission to adopt such a Resolution.

A "no" vote would advise the Board of County Commissioners to not adopt a Resolution urging the City Council of the City of Reno to continue implementation of the railroad (ReTRAC) trench project. A "no" vote is not binding on the Board of County Commissioners of Washoe County, but would be an indicator to the Commission that county residents do not want the Commission to adopt a Resolution.

The Board finds it necessary to submit this question to residents of the County because the railroad (ReTRAC) trench project is a significant project with impacts that go beyond City of Reno boundaries. Further, the railroad (ReTRAC) trench project is being partially financed with countywide sales tax dollars.

Additional Information:

Election Details. The election will be held at the same time and place as the statewide general election, on Tuesday, November 5, 2002. Your polling place is listed elsewhere on the sample ballot. The polls will be open from 7:00 a.m. to 7:00 p.m. The election will be held and conducted in accordance with and in the manner provided by the general election laws of the State.

[Insert Arguments for and Against the Question and Rebuttals to those Arguments prepared in accordance with NRS 295.121]

[End of Information to Be Included in Sample Ballot]

Section 10. If it is impractical to supply the polling place with mechanical voting devices, there shall be supplied as many such paper ballots, ballot cards and ballot page assemblies as it is practical to procure.

Section 11. Nothing in this Resolution prevents the inclusion in the ballots of provisions for the expression by the qualified registered voters of the County of their choice for any questions or proposals other than the Question submitted at the Election to the qualified registered voters.

Section 12. The polls shall be opened at the hour of 7:00 a.m. on the day of the Election and shall remain open until and be closed at 7:00 p.m. of the same day, as provided in NRS 293.273, and all laws supplemental thereto, and the Election shall be held and conducted in accordance with the General Election Act and with all laws supplemental thereto.

Section 13. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the Board. Within five (5) working days of the Election, the Board shall meet and publicly canvass the returns.

Section 14. If a majority of the votes cast are in favor of the Question, the Question shall have been carried, and the Board shall take said vote under advisement in guiding its future actions.

Section 15. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 16. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 17. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 18. This Resolution shall be in effect from and after its adoption.

**02-758 DISCUSSION – ADVISORY QUESTION ON 2002 GENERAL
ELECTION BALLOT – CONSTRUCTION OF TRUCKEE
MEADOWS FLOOD CONTROL PROJECT**

This item concerned the placement of an advisory question on the 2002 General Election Ballot regarding whether or not Washoe County should proceed with the construction of the Truckee Meadows Flood Control Project.

Commissioner Galloway said he brought this issue and the following issue concerning an advisory question regarding the Regional Public Safety Training Center and the Regional Emergency Operations Center forward as a matter of principle and philosophy. He asked the Board members if there was any support for the two issues, and he did not receive any affirmation of support. Commissioner Galloway then said, due to the lack of support for the issues, he would not request any action on these items. He commented that, in his opinion, if both of the questions had been on the ballot they would have passed, and he would have campaigned for the Flood Control Project.

Commissioner Short stated over 10,000 volunteer hours have been put into flood control issues, and the Project has been one of the most significant community efforts ever made in the Truckee Meadows. He said he does not think there is any current support for challenging flood control or the Public Safety Training Center and the Emergency Operation Center, both of which have been very successful.

Commissioner Shaw noted that the Flood Control Project and the Regional Public Safety Training Center and Regional Emergency Operations Center would not exist today, had it not been for some brave and courageous Commissioners who supported the sales tax increase in 1999. He said, unfortunately, part of that sales tax increase has gone to the railroad trench, but two positive projects resulted in spite of everything else.

02-759 DISCUSSION – ADVISORY QUESTION ON 2002 GENERAL ELECTION BALLOT – REGIONAL PUBLIC SAFETY TRAINING CENTER – REGIONAL EMERGENCY OPERATIONS CENTER

This item concerned the placement of an advisory question on the 2002 General Election Ballot concerning whether or not Washoe County should proceed with construction of the Regional Public Safety Training Center and the Regional Emergency Operations Center. Discussion on this item was held in conjunction with the previous item, and no action was taken.

02-760 ORDINANCE NO. 1167 - BILL NO. 1343 - AMENDING WCC CHAPTER 5 – DE MINIMUS USE PROVISIONS RELATING TO PERSONAL USE OF COUNTY COMPUTERS

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 28, 2002, to consider second reading and adoption of Bill No. 1343. Proof was made that due and legal Notice had been given.

Chairman Sferrazza opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that Ordinance No. 1167, Bill No. 1343, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING THE DE MINIMUS USE PROVISIONS, BY PROVIDING THAT THE COUNTY COMPUTER SYSTEM IS THE PROPERTY OF WASHOE COUNTY, BY PROVIDING THAT NO EXPECTATION OF PRIVACY IS CREATED WHEN USING COUNTY COMPUTERS, BY RECOGNIZING ELECTRONIC MAIL (E-MAIL) AS SIMILAR TO TELEPHONE USE FOR PURPOSES OF PERSONAL USE BY COUNTY OFFICERS AND EMPLOYEES AND AUTHORIZING SUCH USE, BY DESCRIBING, LIMITING AND RESTRICTING AUTHORIZED PERSONAL USE OF COUNTY COMPUTERS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

02-761 AMEND PLAN FOR EXPENDITURE OF PROCEEDS OF INFRASTRUCTURE SALES TAX – EMERGENCY OPERATION CENTER/DISPATCH FACILITY - TRUCKEE RIVER FLOOD CONTROL PROJECT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 28 and July 5, 2002, to consider amending the plan for expenditure of the proceeds of the Infrastructure Sales Tax imposed pursuant to NRS Chapter 377B for the purpose of applying an additional \$1,110,000 of 1998 Infrastructure Sales Tax bond proceeds, previously allocated to the Truckee River Flood Control Project, to complete the fund for the Emergency Operations Center/Dispatch Facility. Proof was made that due and legal Notice had been given.

Chairman Sferrazza opened the public hearing and called on those wishing to speak. There was no response and the public hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the amendment to the plan for expenditure of the proceeds of the Infrastructure Sales Tax imposed pursuant to NRS Chapter 377B by allocating \$1,110,000 of 1998 Infrastructure Sales Tax bond proceeds to fund the Emergency Operation Center/Dispatch Facility (940401-7880) from the Truckee River Flood Control Project (940601-7880) be approved. It was further ordered that the Comptroller be directed to make the necessary cash and account adjustments to reflect the allocation of the 1998 Infrastructure Sales Tax bond proceeds.

02-762

AGREEMENT – KLEINFELDER, INC. - TESTING AND INSPECTION SERVICES – REGIONAL DISPATCH AND EMERGENCY OPERATIONS CENTER

Upon recommendation of Keith McAninch, Capital Projects Division, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Agreement for Testing and Inspection Services between Washoe County and Kleinfelder, Inc. in the amount of \$40,985.00 for the Regional Dispatch and Emergency Operations Center, Washoe County, Nevada, PWP-WA-2002-39 be approved and Chairman Sferrazza be authorized to execute the same.

It was noted that Kleinfelder, Inc. was selected by Washoe County, pursuant to a Request for Qualifications (RFQ) issued for the 2002/2003 Public Works construction projects.

02-763

ABANDONMENT CASE NO. AB02-002 – CHRISTOPHER R. AND L. BIELSER – APN 049-871-02

5:30 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to affected property owners on June 27, 2002, and published in the *Reno Gazette Journal* on June 28, 2002, to consider the appeal of the Washoe County Planning Commission's denial of Abandonment Case No. AB02-002 initiated by Christopher R. and L. Bielser, on a parcel located in the Forest Area Plan, being a part of the Washoe County Comprehensive Plan, by reducing an existing fifty-foot (50') easement to thirty-six feet (36') on Assessor's Parcel Number 049-871-02. The subject parcel totals ± 2.25 acres and is located on the east side of Timberline Drive, north of White Creek, and approximately 0.9 miles north of the intersection of Mt. Rose Highway (SR 431) and Timberline Drive. The parcel is in the Southwest Truckee Meadows Citizen Advisory Board area and County Commission District 2. The parcel is found within the northwest quarter of Section 34, T18N, R19E, MDM, Washoe County, Nevada. Proof was made that due and legal Notice had been given.

Chairman Sferrazza opened the public hearing.

Paul Kelly, Planner, Department of Community Development, reviewed maps of the subject property and surrounding area on the overhead. He said staff's concern regarding the applicant's request for a 36-foot easement was that the minimum right-of-way allowed by the County's Development Code to serve parcels less than 1.5 acres in size is 42 feet, which is the minimum requirement recommended by staff to the Planning Commission. Another concern of staff was whether the Planning Commission desired the land to the east of the subject to develop at the currently planned intensity or if a higher density in the area was preferred or anticipated. Mr. Kelly pointed out on the map the 120-acre Redfield property located immediately to the south of the subject's 50-foot easement, and noted the Redfield Land Company has objected to the applicant's request.

Mr. Kelly responded to questions of the Board concerning access issues relative to the subject and surrounding properties. He advised that the government land properties to the east of the subject require a 33-foot easement, and access to that land runs along the south side of the subject. He advised that the Redfield property is privately owned and does not currently have an easement.

Sharon Kvas, Planning Manager, Department of Community Development, pointed out on the map the two accesses to the Redfield property. She said, when the Redfield property is developed, the property owner could dedicate any kind of road pattern they want. Upon inquiry of Commissioner Bond, Ms. Kvas reviewed County road standards. She advised that a rural road must have open "V" ditches, which requires a 50-foot-wide easement; and a suburban road standard is a 42-foot wide easement because a curb and gutter would be required. Ms. Kvas advised that the applicant requested the abandonment because he wants to build a privacy fence on his parcel.

Bill Bielser, representing the applicant, advised they do not intend to subdivide their property and would be willing to accept a condition to execute a covenant running with the land to state that it would never be subdivided. He said they do not like the idea of tampering with the tranquility of the area and do not want to encourage density with wider roads. He stated their request is based on two concerns, one being an engineering mix-up by the consultant and County staff. He said the house was approved and the building permit was granted with the understanding there was a 36-foot easement. Because of that mix-up, the house was put in the wrong place and, during construction, footings had to be re-excavated to comply with the 50-foot requirement. Mr. Bielser stated the other concern is the property is located on a corner and, because of the easement, there are two front yards, which resulted in a 30-foot setback from the fence. He advised they have talked extensively with County staff since the Planning Commission's action and would agree to their recommended 42-foot easement. They would then apply for a variance to put up a block wall or fence at the 42-foot easement.

Christopher Bielser, applicant, provided additional information regarding the property and the abandonment request. He presented photographs of the subject area for the Board's review, which were placed on file with the Clerk.

George Poore, property owner in the subject area, spoke in support of the applicant's request. He advised he was the original developer of the land along Timberline Drive and has been involved with this easement. He said he understands the Redfield's interest in keeping the easement open, but they have other accesses to the east and to the north.

Robert Cameron, area resident, advised he lives in the area and served on the CAB for four years. He said he knows a great deal about the area and this issue and supports the applicant's request.

There being no one else wishing to speak, Chairman Sferrazza closed the public hearing.

Commissioner Short commented that a 42-foot road width would handle 1000 vehicles per day for two travel lanes and asked how much development would be possible in the subject area. Ms. Kvas advised that, with the existing zoning, she would estimate approximately 60 units could be built in the area, which would equate to 600 vehicle trips per day. She said a 42-foot easement would accommodate any potential development in the area. Further discussion was held concerning access issues for the properties being discussed.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the appeal of Abandonment Case No. AB02-002 for Christopher R. & L. Bielser be upheld and a 42-foot wide roadway easement be approved, having made the following findings and subject to the following conditions:

Findings:

1. Comprehensive Plan. That, as recommended, the abandonment request is not inconsistent with the land use map and policies of the Forest Area Plan;
2. No Detriment. That, as recommended, the public will not be materially injured by the proposed vacation;
3. Existing Easements. That the existing public utility easements in the area to be abandoned or vacated will be retained;
4. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Commission from the Washoe County Planning Commission, and information received during the Washoe County Commission public hearings.

Conditions:

For the purposes of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

A copy of all agreements, easements, or other documentation required by these conditions shall be filed with the Department of Public Works and/or Department of Community Development.

1. Prior to the recordation of the Order of Abandonment, the applicant must submit to the County Engineer for review and approval a legal description prepared by a registered professional for the area of the easement to be abandoned.

2. Retention of all public utility easements within the area to be abandoned or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities that originally accepted and approved said easements as well as any other public utilities now in existence that currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.

3. The applicant shall comply with all conditions necessary to effect the Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 6:55 p.m.

PETER J. SFERRAZZA, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, Washoe County
Clerk and Clerk of the Board of
County Commissioners

*Minutes Prepared By
Sharon Gotchy and
Barbara Trow, Deputy County Clerks*